

February 21, 1975

SENATOR CLARK: In the first place I'd like to know how the counties are going to budget for this? I'm talking about the smaller counties row, not the large ones that have public defenders. I don't know of any way they could possibly budget for this. Another question I want to ask, I might throw right in with it. How are these attorney's going to be paid? It's according to a statute, but what does that statute say? Could you tell me that?

SENATOR LUEDTKE: The attorneys' are paid . . .

SENATOR CLARK: It's according to Section 29-1804.

SENATOR LUEDTKE: Yeah. They are paid according to . . . the court sets what they get.

SENATOR CLARK: The court sets it?

SENATOR LUEDTKE: The court sets the fee.

SENATOR CLARK: Well there is no stipulated fee?

SENATOR LUEDTKE: No. There used to be years ago, when we had no public defenders. Prior to that time, which is several years ago, as you may know. There was a stipulated fee and it didn't make any difference whether the lawyer was in court 2 hours, 2 days, or 2 weeks, he got the same amount whether he had 2 or 3 lawyers, it didn't make any difference. But that's been changed. Now the court sets the fee.

SENATOR CLARK: Now you say this is mandatory because of Supreme Court cases. Now what happens if you don't pass it?

SENATOR LUEDTKE: Well I suppose any individual could, if he could get somebody to intercede for him, he could take the matter up and do just what they did in Orgersinger. Get off of the whole thing. However, Senator Clark, they are appointing . . . and particularly out in the state, the judges are appointing now . . . and they just want to make sure that we state that this is the policy of the State of Nebraska. The Supreme Court will make us do it one of these days, so . . . in Nebraska I'm talking about, so why not make it stated public policy now.

SENATOR CLARK: I think my only worry is how in the world can they budget such a thing not knowing how many indigents there could be.

SENATOR LUEDTKE: It's like anything else in county government, as far as the Judiciary is concerned, you could have one year where you had very very few. You could have another year where you had a tremendous number of these cases. I think, though as a whole, if you wanted to check with Mr. Dunlevey, the Court Administrator, I think can show you a log . . . a medium number of cases throughout the various counties. He can show you the work load of the various courts. How many are misdemeanors, how many felonies, and how many are indigents. I think you could get an idea how it's running in your own county.